

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOACHIN LUA LUCIO, )  
 )  
Defendant. )

CASE NO. CR06-197 RSL

DETENTION ORDER

Offense charged:

Conspiracy to Distribute Heroin

Date of Detention Hearing: June 9, 2006

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Douglass Whalley. The defendant was represented by Michael Kolker.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed the drug offense. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) Defendant represents a flight risk as he is a citizen of Mexico with no verifiable ties to the Western District of Washington. Defendant also represents a risk of danger due to his unknown substance abuse problems.
- (3) The defendant does not contest detention at this time.
- (4) Based upon the foregoing information, which is consistent with the recommendation of U.S. Pre-trial Services, it appears that there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the community.

**It is therefore ORDERED:**

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States

1 Marshal for the purpose of an appearance in connection with a court  
2 proceeding; and

- 3 (4) The clerk shall direct copies of this order to counsel for the United  
4 States, to counsel for the defendant, to the United States Marshal, and to  
5 the United States Pretrial Services Officer.

6 DATED this 12<sup>th</sup> day of June, 2006.

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10 MONICA J. BENTON  
11 United States Magistrate Judge  
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